evil, if such, is in its very nature a wrong by the employee against the employer * * *" and that in this there was sufficient ground for classification. Other decisions on anti-tipping statutes are noted in 17 MICH. LAW REV. 96.

CRIMINAL LAW—MOTION IN ARREST—INDICTMENT—NAMES OF PARTIES.—Defendant, Goldberg, was indicted in fifty counts for the illegal sale of liquor. In forty-nine of the counts his name was spelled correctly, in one of them it was spelled Holdberg. He was convicted on all fifty counts, and moved in arrest of judgment. The motion was denied in the trial court. *Held,* reversed and remanded, the names not being *idem sonans,* the holding must be reversed *in toto. People* v. *Goldberg* (Ill., 1919), 122 N. E. 530.

The decision is one of those which grate on the legal conscience as well as add to the layman's arguments against the technicalities of legal procedure. To arrive at it the court took three steps. First: that Holdberg and Goldberg are not *idem sonans.* This is equivalent to saying that the attentive ear would have no difficulty in distinguishing between them when pronounced. *Maier* v. *Brock,* 222 Mo. 74. Second: that the objection was correctly raised by a motion in arrest of judgment. Other courts hold that this is too late to raise such an objection. See *Verberg* v. *State,* 137 Ala. 73, that a plea of not guilty is a waiver of the fact that the name is a misnomer; and *Commonwealth* v. *Dedham,* 16 Mass. 141, that misnomer is only matter of abatement, and not of arrest of judgment. Third: that the decision must be reversed *in toto.* The court goes on the authority of *People* v. *Gaul,* 233 Ill. 630. The United States Supreme Court seems to differ, holding that where there is error in one count the verdict may still stand as to the rest. *Ballew* v. *United States,* 160 U. S. 187.

CRIMINAL LAW—NEGLIGENT ASSAULT AND BATTERY WITH AN AUTOMOBILE.—Defendant was convicted of assault and battery. There was evidence tending to prove that he was driving an automobile in a closely built-up portion of a city at a speed of about thirty-five miles an hour and that, at a street crossing which he knew to be dangerous, he struck and injured the prosecutor who was riding a motorcycle. *Held,* the evidence was sufficient to support the conviction: affirmed on rehearing. *Bleiweiss* v. *State* (Sup. Ct. of Ind., 1918, 1919), 119 N. E. 375; 122 N. E. 577.

The court quotes *Luther* v. *State,* 177 Ind. 619, as follows: "Intent, on the part of the person charged, to apply the force constituting the battery, is an essential element of the offense. But the intent may be inferred from circumstances wihch legitimately permit it. It may be from intentional acts * * * done under circumstances showing a reckless disregard for the safety of others, and a willingness to inflict the injury." The case thus rests on the same theory as *State* v. *Schutte,* 87 N. J. L. 15 (Supreme Court), 88 Ib. 396 (Court of Errors), which was discussed at some length in 13 MICH. L. REV. 594. It seems obvious that, under the beneficent fiction of implied intent, we are developing a doctrine of negligent assault and battery, limited perhaps to the grosser degrees of negligence (as negligent homicide often is), and possibly excluding cases where there is no act save one of omission.